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### REMARKS

Claims 1-32 are pending in this application. By this Amendment, claims 1, 2, 5-9, 11-13, 17-20, 22-25, and 27-32 are amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 2-4 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. This rejection is respectfully traversed. Claims 1 is amended to distinguish the preliminary preview key from the short time updated key. Accordingly, Applicants request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Applicants note that, besides the amendments just noted, additional amendments have been implemented to the claims which are designed to enhance their clarity. These changes have been made for reasons unrelated to patentability. See *Hilton Davis Chemical Co. v. Warner-Jenkinson Co.*, 43 USPQ2d 1152, 1154 (Fed. Cir. 1997).

The Office Action rejects, under 35 U.S.C. § 102, claims 1-32 over Hawkes et al. (U.S. Patent Pub. No. 2003/0039361), claims 1-5, 7-9, 11, 13-17, 19-20, and 22 over Akiyama (U.S. Patent Pub. No. 2002/0001386), claims 1-5, 7-9, 11, 13-17, 19-20, and 22 over Guillon (U.S. Patent No. 4,323,921). These rejections are respectfully traversed.

Applicants assert that the cited references do not disclose or suggest transmitting or receiving preliminary preview key information prior to transmitting or receiving a broadcast subscription key for the requested broadcast services transmission, as recited in independent claim 1 and similarly recited in independent claims 13 and 25.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The Office Action alleges the "preliminary short time updated key information" in claim 1 is equivalent to "short time updated key information" in claim 2. The Office Action then goes on to equate different key information to the equated elements. However, Applicant asserts the elements are not equivalent and claim 1 is amended to clarify the difference between the elements by clarifying preliminary preview key information in claim 1. Thus, while the

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references may arguably disclose short time updated key information, the references do not disclose separate preliminary preview key information.

Thus, the cited references do not disclose or suggest transmitting or receiving preliminary preview key information prior to transmitting or receiving a broadcast subscription key for the requested broadcast services transmission, as recited in independent claim 1 and similarly recited in independent claims 13 and 25.

Therefore, Applicants respectfully submit that independent claims 1, 13, and 25 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102.

#### CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-32 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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